

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

TAMMY SMITH, individually and on
behalf of a minor, S.S.,

Plaintiff,

v.

MID-VALLEY SCHOOL DISTRICT
and SALISBURY BEHAVIORAL
HEALTH, INC., d/b/a NEW STORY
THROOP,

Defendants.

No. 3:18-CV-00478

No. 3:18-CV-00064

(JUDGE CAPUTO)

ORDER

NOW, this 16th day of July, 2019, **IT IS HEREBY ORDERED** that Defendant's Motion to Dismiss (*Smith v. Mid-Valley Sch. Dist.*, No. 3:19-cv-00064 ("*Smith II*"), ECF No. 6) is **GRANTED in part and DENIED in part** as follows:

- (A) Plaintiff's Title IX claim (Count I, *Smith II*, ECF No. 1 ("Doc. 1")), Fourteenth Amendment equal protection and process claims (Count II, *Smith II*, Doc. 1), and request for compensatory damages in Count IV of the Complaint (*Smith II*, Doc. 1) are **DISMISSED without prejudice**;
- (D) Plaintiff has **twenty-one (21)** days from the date of entry of this Order to file an amended complaint to properly state her claims. Failure to file within this time will result in the dismissal of these claims with prejudice.
- (E) Defendant's Motion to Dismiss is **DENIED** in all other respects.

/s/ A. Richard Caputo
A. Richard Caputo
United States District Judge